

AMENDED IN SENATE MAY 28, 2010

AMENDED IN SENATE MAY 19, 2010

AMENDED IN SENATE MAY 5, 2010

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 7, 2010

## **SENATE BILL**

**No. 920**

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**Introduced by Senator Yee**

**(Coauthors: Senators DeSaulnier and Wiggins)**

(Coauthors: Assembly Members Blumenfield, Brownley, Jones, and  
Salas)

February 1, 2010

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An act to add Section 2887 to the Public Utilities Code, relating to telecommunications.

### **LEGISLATIVE COUNSEL'S DIGEST**

SB 920, as amended, Yee. Alphabetical telephone directories: distribution.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Existing law provides that, unless certain determinations are made by the commission about the impact of federal action, the commission has no jurisdiction or control over classified telephone directories (commonly known as yellow pages) or commercial advertising included as part of a telephone corporation's alphabetical telephone directories (commonly known as white pages). Existing law requires the commission to require all telephone corporations that are local exchange carriers to include in

their telephone directory information concerning emergency situations that may affect the telephone network.

This bill would require a telephone corporation *or one of its affiliates* to allow any telephone service subscriber to opt out of receiving a telephone directory published by a telephone corporation ~~or 3rd-party vendor~~. The bill would prohibit telephone corporations from delivering directories to subscribers who opt out of receiving a directory and require that a directory contain clear and conspicuous language regarding opting out of receiving future directories and recycling of the directory. The bill would require ~~each telephone corporation to require~~ each 3rd-party vendor, as defined, as a contractual condition for receiving telephone subscriber information from the telephone corporation that is to be incorporated into a telephone directory, ~~to agree~~ *allow any telephone service customer to opt out of receiving a telephone directory published by the 3rd-party vendor*, to not deliver directories to subscribers who opt out of receiving a directory, and to include clear and conspicuous language ~~in a~~ *on the front cover of the* directory regarding opting out of receiving future directories and recycling of the directory.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2887 is added to the Public Utilities Code,
- 2 to read:
- 3 2887. (a) As used in this section, “third-party vendor” means
- 4 any entity other than a telephone corporation that publishes
- 5 telephone subscriber information derived from information
- 6 obtained through a contractual relationship with a telephone
- 7 corporation in a telephone directory distributed to residents and
- 8 telephone service subscribers in this state. “Third-party vendor”
- 9 does not include an entity publishing an employment or
- 10 organizational roster or directory on behalf of the employer or
- 11 organization.
- 12 (b) ~~Each~~ *With respect to any telephone directory distributed by*
- 13 *the telephone corporation or one of its affiliates, each* telephone
- 14 corporation shall do all of the following:

1 (1) Allow any telephone service customer to opt out of receiving  
2 a telephone directory published by a telephone corporation ~~or~~  
3 ~~third-party vendor~~.

4 (2) Not deliver a directory to any subscriber who has opted out  
5 of delivery until the subscriber requests that directory delivery be  
6 resumed. This paragraph does not prohibit a telephone corporation  
7 ~~or third-party vendor~~ from attempting to verify that a subscriber's  
8 request to opt out is still valid.

9 (3) Provide on the front cover of its telephone directory, in clear  
10 and conspicuous language, all of the following information:

11 (A) A telephone number or Internet Web site address, or both,  
12 for a subscriber to use to submit a request to opt out of delivery  
13 of future telephone directories *from the telephone corporation or*  
14 *its affiliates*.

15 (B) A statement that the directory can be recycled.

16 ~~(4) Require that each third-party vendor, as~~

17 *(c) As a contractual condition for receiving telephone subscriber*  
18 *information from the a telephone corporation, agree to comply*  
19 *with paragraphs (2) and (3) each third-party vendor shall agree*  
20 *to comply with the following, with respect to any telephone*  
21 *directory distributed by the third-party vendor that incorporates*  
22 *information obtained pursuant to the contract: contract:*

23 *(1) Allow any telephone service customer to opt out of receiving*  
24 *a telephone directory published by the third-party vendor.*

25 *(2) Not deliver a directory to any subscriber who has opted out*  
26 *of delivery until the subscriber requests that directory delivery be*  
27 *resumed. This paragraph does not prohibit a third-party vendor*  
28 *from attempting to verify that a subscriber's request to opt out is*  
29 *still valid.*

30 *(3) Provide on the front cover of its telephone directory, in clear*  
31 *and conspicuous language, all of the following information:*

32 *(A) A telephone number or Internet Web site address, or both,*  
33 *for a subscriber to use to submit a request to opt out of delivery*  
34 *of future telephone directories by the third-party vendor.*

35 *(B) A statement that the directory can be recycled.*